

1 A. Placeres

2 A Yes.

3 MR. O'DWYER: Mark this as Exhibit 3.

4 *** (Whereupon a document was marked
5 Creditor Exhibit 3 for identification as of
6 this date.)

7 Q Have you ever seen this before?

8 A Yes.

9 Q Who was the attorney who went to court on
10 your behalf in the motion for compensation in the
11 civil action?

12 A That was an attorney that Hector got me to
13 make the appearance, and I don't recall his name.

14 Q Who paid him?

15 A Me.

16 Q How much did you pay him?

17 A \$150 or \$250. It was something like that.

18 Q You indicated that you thought that Mr.
19 Robinson did not represent you terribly well.

20 A Well, I had an issue with the fact I was
21 hit for non pecuniary damages, I was told, because
22 we did not raise an objection, and that is my issue.

23 Q Is it your position that if you had raised
24 an objection to it, it would have been vacated
25 subsequently on appeal?

1 A. Placeres

2 A Yes.

3 Q Do you have a claim for malpractice
4 against Mr. Robinson?

5 A No.

6 Q Why not?

7 A I don't have it.

8 Q Why not?

9 A I just don't have it.

10 Q Why not?

11 A I just felt that he parachuted into the
12 case at the last minute and probably he did the best
13 that he could under the circumstances.

14 Q You are aware that the decision from the
15 Appellate Division was that any appeal to the claim
16 for non pecuniary damages was waived because it was
17 not raised at trial?

18 A Yes.

19 Q If it had been raised at trial it would
20 have being vacated by the Appellate Division?

21 A I assume so, but I assumed other things
22 that did not occur, so I cannot take it for granted.

23 Q Why don't you have a claim for legal
24 malpractice then?

25 A That was just for non pecuniary damages.

1 A. Placeres

2 Q That is all I am focusing on.

3 A Subtracting that from the general --

4 Q No, no, just talking about that portion
5 of the verdict for the non pecuniary damages.

6 A Like I said, I don't think that it matters
7 if I owe a million or half a million. I have this
8 judgment.

9 Q If you had a claim for legal malpractice
10 with regard to that portion of the verdict, it was
11 on non pecuniary damages?

12 A Yes.

13 Q That's 900,000 of the verdict, correct?

14 A Something like that.

15 Q Is there a reason you have not pursued
16 that claim against him?

17 A A guess that I think --

18 Q He did the best he could under the
19 circumstances?

20 A Yes. He was not knowledgable, like you
21 are from, and he just parachuted in.

22 Q And so you think that it would not be fair
23 for you to go after him on that?

24 A Yes.

25 Q And the fact that Mr. Torres is your old

1 A. Placeres

2 friend; is that correct?

3 A No. I think that Mr. Torres did an
4 excellent job.

5 Q Mr. Robinson appeared on behalf of Mr.
6 Torres.

7 A He appeared on my behalf.

8 Q But I will show you this, the Notices of
9 Appearances. Take a look at who appeared for the
10 defendant at your trial.

11 A For the defendant, Jose Luis Torres by
12 Brian Robinson. I see that.

13 Q Have you discussed with him his
14 responsibility to you for that part of the verdict?

15 A No.

16 Q Have you spoken to Mr. Robinson since
17 then?

18 A No, since the trial I have not spoken to
19 him.

20 Q Do you know where he works?

21 A I have his address and phone number
22 somewhere. I don't remember where.

23 Q Do you know if he works in Manhattan?

24 A I believe so.

25 Q Do you know if he works on his own or out